

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JOE ADAM RAMIREZ,

Plaintiff,

VS.

ROMANO DELCORE, *et al*,

Defendant.

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CIVIL ACTION NO. C-07-48

**ORDER ADOPTING MEMORANDUM AND
RECOMMENDATION TO DISMISS ACTION**

On July 3, 2007, United States Magistrate Judge B. Janice Ellington signed a Memorandum and Recommendation recommending that plaintiff's § 1983 claims for injunctive relief and/or damages be dismissed for failure to state a claim and as frivolous. See 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1); and further that to the extent plaintiff raised any state law claims, those claims be dismissed without prejudice. The Memorandum and Recommendation further recommended that, because this is a dismissal described by 28 U.S.C. § 1915(g) (a "strike" for frivolous filing), that the Court instruct the Clerk to provide copies of the dismissal order to the parties, to the TDCJ-Office of the General Counsel, P.O. Box 13084, Austin, Texas 78711, Fax Number (512) 936-2159, and to the District Clerk for the Eastern District of Texas, Tyler Division, 211 West Ferguson, Tyler, Texas 75702, Attention: Betty Parker. On July 16, 2007, plaintiff filed Objections to

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the Magistrate's Recommendations.

Having reviewed the findings of fact and conclusions of law therein, as well as the pleadings on file and plaintiff's objections, and having made a *de novo* disposition of those portions of the Magistrate Judge's recommended disposition to which objections were raised, *see Koetting v. Thompson*, 995 F.2d 37 (5th Cir. 1993), 28 U.S.C. § 636(b)(1)(C); Fed.R.Civ.P.72(b), the Court hereby adopts as its own the findings and conclusions of the Magistrate Judge.

Accordingly, it is ORDERED that plaintiff's § 1983 claims for injunctive relief and/or damages are dismissed for failure to state a claim and as frivolous. Further, to the extent plaintiff raised any state law claims, those claims are dismissed without prejudice. The Clerk is instructed to provide copies of this dismissal order to the parties, to the TDCJ-Office of the General Counsel, P.O. Box 13084, Austin, Texas 78711, Fax Number (512) 936-2159, and to the District Clerk for the Eastern District of Texas, Tyler Division, 211 West Ferguson, Tyler, Texas 75702, Attention: Betty Parker.

The clerk shall enter this order and provide a copy to all parties.

ORDERED this 25th day of July, 2007.


Jarvis Graham Jack
United States District Judge